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Resortstay International, LLC and
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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

ROSALIND BROWN,

Plaintiff,

vs.

RESORTSTAY INTERNATIONAL, LLC, a
Nevada Limited Liability Company;
STARPOINT RESORT GROUP, INC., A
Nevada Corporation,

Defendant.

Case No.: 2:16-cv-02747-JAD-VCF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY AND OTHER
DEADLINES**

(FOURTH REQUEST)

Defendants ResortStay International, LLC and Starpoint Resort Group, Inc. (collectively, “Defendants”) and Plaintiff Rosalind Brown (“Plaintiff”), by and through undersigned counsel, hereby stipulate and request that the discovery cut off (currently set for January 8, 2018), as well as related dates, be extended for a period of ninety (90) days. This request is submitted pursuant to LR 6-1, 6-2, 7-1 and 26-4 and is the parties’ fourth request.

I. DISCOVERY COMPLETED TO DATE

Defendants served their Initial Disclosures on or about April 18, 2017. Plaintiff served her Initial Disclosures on or about May 11, 2017. Plaintiff served her Requests for Production of Documents and Interrogatories on or about August 7, 2017. Defendants’ responded to these

1 discovery requests on October 5, 2017. The parties have been meeting and conferring as to
2 supplemental responses.

3 Defendants deposed Plaintiff on September 13, 2017. Plaintiff deposed Richard Braglia
4 and Frank Braglia on October 10, 2017.

5 **II. REMAINING DISCOVERY TO BE COMPLETED**

6 Plaintiff will be taking the depositions of Shelley Brittell, Angelica Talamayan, Jessica
7 Carranza-Sanchez and Miranda Cox in January 2018. They were originally scheduled for
8 December 13, 2017, but end of the year scheduling conflicts have caused the parties to continue
9 them. Plaintiff also intends to depose other former and current employees, but dates to do so have
10 not yet been determined based on the other deponents schedules. Additional written discovery and
11 supplemental document requests will also be completed by the parties.

12 **III. REASONS DISCOVERY CANNOT BE COMPLETED WITHIN THE**
13 **DEADLINE**

14 Although the parties have worked diligently to satisfy the current discovery deadlines, it is
15 unlikely that all required discovery and requested depositions can be completed within the current
16 discovery deadline. Some of the witnesses are out of state and former employees, and the parties
17 are working with their schedules. Moreover, it has been difficult to schedule some of the
18 remaining depositions of former employees that reside in and out of the state of Nevada due to the
19 holiday season and convention schedule.

20 The parties have been meeting and conferring as to responses to written discovery and
21 supplemental responses. Defendants are performing additional searches, but the process has taken
22 longer than necessary.

23 **IV. REVISED PROPOSED DISCOVERY PLAN**

24 All discovery in this case will be conducted in accordance with the Federal Rules of Civil
25 Procedure and applicable Local Rules of this District Court. The parties propose to the Court the
26 following cut-off dates:
27
28

1 **A. Discovery Cut-Off Date:** The discovery cut-off deadline shall be **Monday, April**
2 **9, 2018** (ninety-one days after the current deadline, as the eighth day falls on a Sunday).

3 **B. Dispositive Motions:** Dispositive motions shall be filed by **Wednesday, May 9,**
4 **2018** (thirty (30) days after the discovery cut-off date of April 9, 2018) in accordance with Local
5 Rule 26-1(e)(4).

6 **C. Motions In Limine/Daubert Motions:** Pursuant to Local Rule 16-3(b), any
7 motions in limine, including *Daubert*-type motions, shall be filed and served thirty (30) days prior
8 to trial. Oppositions shall be filed and served and the motion submitted for decision fourteen (14)
9 days thereafter. Reply briefs shall only be allowed with leave of court, unless the District Judge
10 issues an order with a different deadline or briefing schedule.

11 **D. Pretrial Order:** The Pretrial Order shall be filed no later than **Friday, June 8,**
12 **2018** in accordance with Local Rule 26-1(e)(5). In the event dispositive motions have been filed,
13 the Pretrial Order shall be suspended until thirty (30) days after a decision of the dispositive
14 motions or further order of the Court.

15 **E. Fed. R. Civ. P. 26(a)(3) Disclosures:** The disclosures required by Fed. R. Civ. P.
16 26(a)(3), and any objections thereto, shall be included in the final pretrial order in accordance with
17 Local Rule 26-1(e)(6).

18 **F. Extension Or Modification Of The Discovery Plan And Scheduling Order:** In
19 accordance with Local Rule 26-4, any motion or stipulation to extend a deadline set forth in this
20 discovery plan and scheduling order shall be received by the Court no later than twenty-one (21)
21 days before the expiration of the subject deadline. Any request thereafter, shall only be granted
22 with a showing of good cause.

23 This Stipulation to Extend Discovery and Other Deadlines is not submitted for purposes of
24 delay.

25 ...

26 ...

27 ...

For all the reasons stated above, good cause exists to extend the discovery cut-off in this matter.

DATED this 11th day of December, 2017.

LAW OFFICES OF MICHAEL P. BALABAN

/s/ Michael P. Balaban

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DATED this 11th day of December, 2017.


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ORDER

IT IS SO ORDERED.



U.S. MAGISTRATE JUDGE
CASE NO. 2:16-cv-02747-JAD-VCF

December 11, 2017

DATE